

Amendment 1 to Amendment No. 2
Bill No. 49 - 2008

**BY: Chairperson at the request
of the County Executive
and Greg Fox**

**Legislative Day No. 8
Date: July 7, 2008**

Amendment No. 1 to Amendment No. 2

(This amendment defines a term, revises the financial security provisions and adds criteria for releasing the financial security.)

1 On page 1 of the Amendment, after line 12, insert:

2 “On page 1, after line 28, insert:

3 “(F) *INSTALLATION*. “INSTALLATION” MEANS CONSTRUCTION OF A MULTI-USED RESIDENTIAL
4 SEWERAGE SYSTEM THAT MEETS THE EFFLUENT REQUIREMENTS OF THE SYSTEM’S PERMIT.”. ”

5
6 On page 1 of the Amendment, in line 22, strike “INSTALLING” and substitute
7 “BEGINNING CONSTRUCTION OF”.

8
9 On page 2 of the Amendment, strike line 1 in its entirety and substitute:

10 “SEPTEMBER 8, 2008.

11 (G) FINANCIAL SECURITY REQUIRED BY SUBSECTION (F) OF THIS SECTION SHALL:

12 (1) GUARANTEE THE CONSTRUCTION OF THE MULTI-USED RESIDENTIAL SEWERAGE
13 SYSTEM IN ACCORDANCE WITH ALL APPLICABLE REGULATIONS AND STANDARDS OF
14 THE MARYLAND DEPARTMENT OF ENVIRONMENT AND THE COUNTY; AND

15 (2) INCLUDE GUARANTEES BY THE RESPONSIBLE PARTY THAT SHALL INCLUDE THE
16 FOLLOWING:

17 (i) PERFORMANCE FINANCIAL SECURITY IN A FORM ACCEPTABLE TO THE
18 COUNTY IN AN AMOUNT THAT:

19 A. IS EQUAL TO 100% OF THE ESTIMATED COST OF CONSTRUCTION;

20 B. GUARANTEES TIMELY AND SATISFACTORY COMPLETION OF THE
21 MULTI-USED SEPTIC SYSTEM; AND

1 C. GUARANTEES THE OPERATION OF THE MULTI-USED SEPTIC SYSTEM
2 IN ACCORDANCE WITH THE PERMIT; AND
3 (II) PAYMENT FINANCIAL SECURITY IN A FORM ACCEPTABLE TO THE COUNTY IN
4 AN AMOUNT THAT:
5 A. IS EQUAL TO 50% OF THE ESTIMATED COST OF CONSTRUCTION; AND
6 B. GUARANTEES THE PAYMENT OF DEBTS OWED FOR LABOR AND
7 MATERIALS USED IN THE CONSTRUCTION OF THE MULTI-USED SEPTIC
8 SYSTEM; AND
9 (III) A MAINTENANCE AND REPAIR FINANCIAL SECURITY IN A FORM ACCEPTABLE
10 TO THE COUNTY AND IN AN AMOUNT THAT:
11 A. IS EQUAL TO 50% OF THE ORIGINAL AMOUNT OF THE PERFORMANCE
12 SECURITY; AND
13 B. GUARANTEES THE RESPONSIBLE PARTY’S OBLIGATION TO COMPLETE
14 REPAIRS TO THE MULTI-USED SEWERAGE SYSTEM AND TO REMEDY
15 DAMAGES.
16 (H) FINANCIAL SECURITY REQUIRED BY SUBSECTION (F) OF THIS SECTION SHALL BE RELEASED
17 AS FOLLOWS:
18 (1) THE APPROVING AUTHORITY SHALL RETAIN THE PERFORMANCE FINANCIAL
19 SECURITY UNTIL THE LATER OF:
20 (I) ONE YEAR AFTER THE DATE OF ISSUANCE OF A USE AND OCCUPANCY PERMIT
21 FOR THE RESIDENTIAL LOTS WHICH ESTABLISHES OCCUPANCY OF 80% OF
22 THE RESIDENTIAL LOTS SERVED BY THE SYSTEM, IF DURING THE YEAR AFTER
23 ISSUANCE OF THE USE AND OCCUPANCY PERMIT THE REPORTS FOR THE
24 SYSTEM’S OPERATION COMPLIED WITH EFFLUENT REQUIREMENTS OF THE
25 GROUNDWATER DISCHARGE PERMIT; OR
26 (II) ONE YEAR AFTER THE DATE THE RESPONSIBLE PARTY HAS OPERATED THE
27 SYSTEM IN COMPLIANCE WITH THE PERMIT FOR 12 CONSECUTIVE MONTHS;
28 (2) THE APPROVING AUTHORITY SHALL RETAIN THE PAYMENT FINANCIAL SECURITY
29 UNTIL THE LATER OF:
30 (I) THE DATE THE PERFORMANCE FINANCIAL SECURITY IS RELEASED; OR
31 (II) ANY CLAIMS AGAINST THE PAYMENT FINANCIAL SECURITY HAVE BEEN

1 RESOLVED; AND

2 (3) THE APPROVING AUTHORITY SHALL RETAIN THE MAINTENANCE AND REPAIR
3 FINANCIAL SECURITY UNTIL THE LATER OF:

4 (I) ONE YEAR AFTER THE DATE THE PERFORMANCE FINANCIAL SECURITY IS
5 RELEASED; OR

6 (II) ONE YEAR AFTER THE DATE THE RESPONSIBLE PARTY HAS OPERATED THE
7 SYSTEM IN COMPLIANCE WITH THE PERMIT FOR 12 CONSECUTIVE MONTHS.”.